

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

JANSSEN PHARMACEUTICALS, INC.,
JANSSEN PHARMACEUTICA NV,

Plaintiffs-Appellees,

v.

MYLAN LABORATORIES LTD.,

Defendant-Appellant.

No. 25-1252

**MYLAN LABORATORIES LTD'S CORRECTED
UNOPPOSED MOTION TO CONSOLIDATE**

Appellant Mylan Laboratories Ltd. requests that the above-captioned appeal be consolidated with *Janssen Pharmaceuticals, Inc. v. Teva Pharmaceuticals USA, Inc.*, No. 25-1228 (Fed. Cir. Nov. 27, 2024). These are related appeals. Both concern the alleged infringement of U.S. Patent No. 9,439,906. They involve the same claims, the same prior art, and the same arguments. The final judgments in these appeals are linked: Janssen and Mylan agreed to be bound by the final judgment in Janssen's related litigation against Teva. Final Judgment, ECF No. 1-2, at 13. Finally, all parties have been before this Court previously in this same universe of litigation, during which the Court *sua sponte* consolidated the appeals for joint briefing

and argument. Order Consolidating Cases, *Janssen Pharm., Inc. v. Teva Pharm. USA, Inc.*, No. 22-1258, ECF No. 11 (Fed. Cir. Jan. 11, 2022).

All parties agree that a similar course of action makes sense here. Mylan has conferred with counsel for Janssen and Teva regarding this motion. Both consent to the requested relief.

CONCLUSION

The motion should be granted, and this appeal should be consolidated with *Janssen Pharmaceuticals, Inc. v. Teva Pharmaceuticals USA, Inc.*, No. 25-1228, for joint briefing and argument.

Date: December 13, 2024

Respectfully submitted,

/s/ Eric T. Werlinger
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**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number 25-1252

Short Case Caption Janssen Pharmaceuticals, Inc. v. Mylan Laboratories Ltd.

Filing Party/Entity Mylan Laboratories Ltd.

Instructions:

1. Complete each section of the form and select none or N/A if appropriate.
2. Please enter only one item per box; attach additional pages as needed, and check the box to indicate such pages are attached.
3. In answering Sections 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance.
4. Please do not duplicate entries within Section 5.
5. Counsel must file an amended Certificate of Interest within seven days after any information on this form changes. Fed. Cir. R. 47.4(c).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 12/13/2024

Signature: /s/ Deepro R. Mukerjee

Name: Deepro R. Mukerjee

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input checked="" type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input type="checkbox"/> None/Not Applicable
Mylan Laboratories Ltd.		Mylan, Inc.; Viatris, Inc.

Additional pages attached

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

<input type="checkbox"/> None/Not Applicable	<input type="checkbox"/> Additional pages attached
Arnold B. Calmann (Saiber LLC)	Alissa M. Pacchioli (Katten Muchin Rosenman LLP)
Jeffrey Soos (Saiber LLC)	Guylaine Haché (Katten Muchin Rosenman LLP)
Katherine A. Escanlar (Saiber LLC)	Jitendra Malik (Katten Muchin Rosenman LLP)

5. Related Cases. Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

Yes (file separate notice; see below) No N/A (amicus/movant)

If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). **Please do not duplicate information.** This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

<input checked="" type="checkbox"/> None/Not Applicable	<input type="checkbox"/> Additional pages attached

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitations of Fed. R. App. P. 27(d)(2). According to the word-processing system used to prepare it, the motion contains 194 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f) and Fed. Cir. R. 32(b)(2).

/s/ Eric T. Werlinger

CERTIFICATE OF SERVICE

I certify that I caused a copy of the foregoing document to be filed on December 13, 2024, with the Clerk of the Court for the U.S. Court of Appeals for the Federal Circuit using the Court's CM/ECF system, which will send a notice of electronic filing to all counsel of record in this matter.

I further certify that I caused a copy of the foregoing document to be served on Teva Pharmaceuticals USA, Inc. via e-mail to its counsel of record using the addresses listed below. Fed. R. App. P. 25(c)(2)(B); Fed. Cir. R. 25(e)(3). Counsel for Teva consented in writing to e-mail service of confidential materials in this appeal. Fed. R. App. P. 25(c)(2)(B); Fed. Cir. R. 25(e)(4).

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